

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

ALEXANDRA TORIBIO, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

THE KRAFT HEINZ COMPANY,

Defendant.

Case No. 1:22-CV-06639

The Honorable Virginia M. Kendall

MOTION TO DISMISS CLASS ACTION COMPLAINT

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Attorneys for Defendant
The Kraft Heinz Company

PLEASE TAKE NOTICE that Defendant The Kraft Heinz Company (“Kraft Heinz”) hereby moves to dismiss Plaintiff’s Class Action Complaint: (1) pursuant to Federal Rule of Civil Procedure 12(b)(6) and Federal Rule of Civil Procedure 9(b) for failure to state a claim on which relief can be granted and failure to plead with sufficient particularity; and (2) pursuant to Federal Rule of Civil Procedure 12(b)(1) for lack of Article III standing to seek damages or injunctive relief. Kraft Heinz seeks dismissal with prejudice and without leave to amend.

Kraft Heinz’s Motion is based on this Motion, the accompanying Memorandum of Law, the accompanying Request for Judicial Notice and exhibits thereto, any reply or supplemental briefing Kraft Heinz may submit, and any further evidence or argument (including oral argument) that the Court may invite Kraft Heinz to present in connection with this Motion.

WHEREFORE, Kraft Heinz respectfully requests that the Court dismiss Plaintiff’s Class Action Complaint with prejudice and without leave to amend.

Dated: February 6, 2023

Respectfully submitted,

By: /s/ Dean N. Panos

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was filed on February 6, 2023 with the Clerk of the Court by using the CM/ECF system, which will effect electronic service on all parties and attorneys registered to receive notifications via the CM/ECF system.

Dated: February 6, 2023

By: _____ /s/ Dean N. Panos
Dean N. Panos